

# RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

## DAUNTING CHALLENGES

Mr. MCCONNELL. Mr. President, I welcome my good friend the majority leader back to Washington. I hope he is renewed after the August break.

These past several weeks have been extremely instructive for me, as I am sure they were for a lot of the rest of our colleagues. I talked to a lot of Kentuckians, and not a single one suggested that I come back to Washington and do nothing until the November election.

America faces a number of daunting challenges. Very few of them were unknown to us when we all showed up here in January of 2007. Very few of them have been addressed, but there is still time to do significant work in the next weeks. I am still hopeful that we will.

We can protect millions of Americans from the alternative minimum tax and extend a host of expired and expiring tax incentives, including the renewable energy tax credits that drive much needed investment in alternative energy sources such as solar and wind. We should come together and agree to a long-term extension of these important tax incentives before the end of this year.

So far, Congress has been unable to come together on a comprehensive solution to our Nation's energy crisis. But the book hasn't closed yet on the 110th Congress. There is still time to act on this issue. And we should. We must work to provide much needed relief for Americans across the country who are struggling with the high price of gas at the pump. Congress can still show that we are responsive to the needs of the American people by doing something about the crisis now.

Some might disagree. One Senator on the other side recently said that he thinks frustration over the high price of gas has "peaked." But I have seen no evidence of this whatsoever in my State. In fact, I am confident, after spending the past month away from Washington, that if we did little else these next few weeks but pass a serious response to high gas prices, fund the Government, and protect taxpayers, the American people would view these next few weeks as extremely productive.

Americans want us to act to increase offshore exploration. There is nothing to fear in this. We can and should increase domestic energy exploration, even as we encourage the use of alternative energy sources and new conservation measures. There is no good reason we cannot all get behind a balanced approach that would allow us to find more and use less at the same time.

We also need to do our basic duty of funding the Government by passing appropriations bills. Over the last 25 years, no other Congress has failed to pass a single appropriations bill this late in the year. Even the infamous do-nothing Congress of 1948 had passed more than a dozen appropriations bills at this point on the legislative calendar. This is certainly not a record to be proud of. But it is not a record that has to stand. We still have time to change course. And we should.

While at war, we have yet to fund the troops, homeland security, and critical domestic programs. We have yet to fund veterans hospitals, education, transportation, and national parks. These are the basics. We should take them on. The upcoming election is no excuse to put off our responsibilities for another day. Americans have held a regularly scheduled election every 2 years for more than two centuries. The work of Government must go on regardless of how strong the partisan currents flow. It always has, and this year should be no exception.

We still have a few more weeks to do right by the American people. Let's not just mark time. Let's make a difference and do something constructive to help the American people in a difficult economic time. Let's put political games aside for a few weeks and do what is expected of us. This is not too much to ask, and I, for one, remain hopeful that we can rise to the occasion.

I yield the floor.

The ACTING PRESIDENT pro tempore. The senior Senator from Virginia is recognized.

## DEFENSE AUTHORIZATION

Mr. WARNER. Mr. President, I wonder if I might pose a question to the leadership. Senator LEVIN and I just met in preparation to move forward, hopefully, on the annual authorization bill. This would be the 30th bill Senator LEVIN and I have worked on together. In the interim period, over the summer, our staffs have done a lot of very valuable work in terms of trying to sort through reconciliation between the House and Senate provisions. But it is our recommendation to the leadership that we try to obtain a UC to enable the amendments that would be brought forward to be relevant to the work of the committee, or the text of the bill.

I am just wondering, what do the respective leaders have to guide the Senator and myself on this issue?

Mr. REID. Mr. President, I say to the Senator from Virginia that I hope we can work out something. We have this week to do it. It will be the last week that we have an opportunity to finish this most important piece of legislation. I think we owe it to our troops to work out something. We can get hung up on germane and relevant. One thing we could do—and I know we have had a problem here with people wanting to

offer amendments on everything, as they have said, "like we used to do in the Senate."

Mr. President, I have been through a number of Presidential elections, and we have one coming up in about 60 days. We have to do things a little differently. I hope we can come up with some way to move forward on that. One of the suggestions made is maybe we could come up with something where the Senator from Virginia and Senator LEVIN can look at the amendments first related to the bill. We need to finish the Defense bill. Next week, we are going to be able to legislate our hearts out on energy. People have been wanting to do that for a long time. Let's get rid of this piece of legislation, which is important. I hope we can figure out a way to move forward on it.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, we talked about this a couple of times before the August break. I know he is concerned because this bill has frequently been targeted for nongermane amendments. I can recall that, as recently as last year, a nongermane amendment was offered by a member of the majority and actually adopted and became a complication in trying to complete the legislation.

I say to the Senator from Virginia, I don't know what is possible. I just got in from the airport. I will meet with the Republican leadership later this afternoon to discuss with our colleagues what we might be able to achieve. I am certainly open to trying to move the measure along. I will consult with everybody on our side to see whether that is possible.

Mr. WARNER. Mr. President, I thank the leaders. I only say that Senator LEVIN and I are ready, beginning tomorrow morning, if this procedural motion this afternoon at 5:30 is carried, to go to work. Hopefully, we can waive any 30-hour requirement, or whatever might be attached to this, and proceed directly to the bill. We both have amendments that can be brought up, and we welcome amendments from our colleagues. Again, the issue of relevancy is imperative if we hope to complete this bill this week.

Mr. REID. Mr. President, I hope we don't have to use the 30 hours. We can start working on this tomorrow. There are amendments, as the Senator has indicated, members of the committee want to offer which relate to the bill. We should do that. Now, I hope we don't have to file cloture on the bill itself if we get on it. I think we should try to finish the Defense bill.

As I have indicated, I went to Afghanistan. We have learned a lot, and we are implementing what we learned in Iraq. There are some things in Iraq that didn't do so well. We are trying to do better in Afghanistan. But it takes resources, and that is what this bill is about. I hope we don't have to wait 30 hours. We don't have to do that.

We have a national election coming up. Speaking for the Republican leader, we don't want to be here until November 3, which is a Monday. We need to allow people to get back and work—those who want to help MCCAIN and OBAMA, those who want to work on their own campaigns, and those who want to help others who are campaigning. I hope we can legislate on this tomorrow. Before we do that, we have to proceed to it tonight.

Mr. MCCONNELL. At the risk of being redundant, I will consult with the leadership of my conference and other members, and surely we will be able to get on the bill, at the latest, sometime tomorrow and proceed with the amendment process.

Mr. WARNER. Mr. President, I thank the leaders.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3001, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to S. 3001, a bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I rise today to speak on the motion to proceed to the National Defense Authorization Act. I ask unanimous consent that I be given 20 minutes to do so.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I rise today to urge my colleagues to set aside bipartisan differences and vote in favor of the motion to proceed to the National Defense Authorization Act. This bill is critically important to ensuring that our troops have the equipment and support they need in order to fulfill their mission. Voting against the motion to proceed would have significant consequences for the men and women who have made so many sacrifices for this Nation, as well as their families. It would mean delays in pay increases, delays in benefits, and delays in authorities that are necessary to train and equip our soldiers.

This bill authorizes the military construction projects that directly affect the quality of life of our armed services members by giving them new, safer,

more effective facilities in which to work.

Under the leadership of Chairman LEVIN, the Armed Services Committee has produced a carefully crafted bill that addresses the many complex issues facing today's military. This includes language in direct support of our armed services members and their families, such as a 3.9-percent pay raise.

Over the last 6 years, continuous combat operations have put a severe strain on our Nation's military capabilities. Consequently, one of the primary goals of this year's bill was to focus on restoring the readiness of our troops.

As chairman of the Subcommittee on Readiness, I worked very closely with Ranking Member THUNE on the readiness acquisition policy and military construction portions of this bill that are under the jurisdiction of my subcommittee. I would like to take this opportunity to thank Senator THUNE for his hard work and cooperation during the markup of this bill. It was my privilege to work with him to advance the readiness of our Armed Forces.

I also thank our personal staff members and the professional staff of the committees for their efforts, in particular Peter Levine, Mike McCord, Bill Sutey, Lucian Niemeyer, Greg Kiley, and Chris Paul.

The Readiness Subcommittee has a broad mandate of policy oversight as well as jurisdiction over a substantial part of the DOD budget. In addition, it is responsible for the readiness and operation and maintenance provisions that support the essential requirements of the military services for the next fiscal year for the cost of normal operations. However, our goal remains simple: to maintain and, wherever possible, improve the readiness of our military.

Altogether, this bill contains \$162 billion for the programs within the jurisdiction of the Readiness Subcommittee, which represents over 30 percent of the DOD budget. That amount is within one-quarter of 1 percent of the amount requested.

I believe all of us are concerned that our military forces have what they need to be trained and ready, but we are particularly concerned about the readiness of our ground forces. This bill fully funds the Army and Marine Corps readiness accounts, including the training and equipment maintenance request.

With respect to revitalizing our defense facilities, this bill invests an additional \$413 million above the budget request in our infrastructure to repair or replace our aging defense facilities and improve the quality of life and the productivity of our military.

These military construction projects require both an authorization and an appropriation. I urge the Senate to pass both these important pieces of legislation—this authorization bill and the Military Construction and Vet-

erans Affairs appropriations bill—as soon as possible.

This year's Defense authorization bill also addresses the need for increased oversight of the acquisition programs and activities of the Department of Defense to ensure that taxpayers' dollars are well spent and not wasted. For example, this bill requires DOD to establish ethics standards to prevent personal conflicts of interest by contractor employees who perform acquisition functions on behalf of DOD.

This bill ensures that private security contractors do not perform inherently governmental functions in an area of combat operations. It codifies existing DOD standards under which security operations are inherently governmental if they will be performed in highly hazardous public areas where the risks are uncertain.

This bill prohibits contractor employees from conducting interrogations of detainees during or in the aftermath of hostilities. The provision has an effective date 1 year after the date of enactment to give DOD time to comply.

This bill requires the military departments to ensure that urgent requirements documents developed by operational field commanders are presented to senior officials for review within 60 days of the time they are submitted. This is a response to reports that Marine Corps leadership failed to respond to requests for Mine Resistant Ambush Protected vehicles, known as MRAPs, and other critical requirements for several years.

This bill codifies the requirement for boards to review and approve—or disapprove—any new requirements that could add to the costs of a major weapon system.

This bill requires DOD to ensure that a contractor does not receive a competitive advantage by using foreign subsidiaries to avoid the payment of U.S. payroll taxes for its workers.

This bill requires DOD to establish a database of information regarding the integrity and contract performance of contractors, to ensure that this information is available to acquisition officials making key contracting decisions.

This bill requires DOD to take steps to ensure that contractor employees who are the victims of sexual assault and other crimes in Iraq and Afghanistan receive the help they need and the investigative assistance they deserve.

This bill requires the military departments to establish business transformation offices to serve as a central focus for the reform of their business and financial systems and processes.

This bill ensures that the chief lawyer for the DOD inspector general, or IG, serves at the discretion of the IG and reports only to the IG.

It is my hope that the Senate will strongly support these provisions.

In addition to working to improve the readiness of our troops as chairman of the Readiness Subcommittee, I was pleased in my role as chairman of the